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Texas Collection

SPECIAL LAWS

OF THE

STATE OF TEXAS

PASSED AT THE

REGULAR SESSION

OF THE

TWENTIETH LEGISLATURE

CONVENED AT THE

CITY OF AUSTIN, JANUARY 11, 1887.

AND

ADJOURNED APRIL 4, 1887.



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SPECIAL LAWS OF TEXAS.

TWENTIETH LEGISLATURE, 1887.

DALLAS CITY—AMENDMENTS OF CHARTER.

CHAP. 1.—[H. B. No. 280.] An Act to amend Sections 4 and 12 of an act entitled An Act amendatory of and supplementary to the several acts incorporating the city of Dallas, taking effect April 3, 1885, and to add thereto another section to be known as Section 15a, and also to amend Sections 25, 63, 84, 91, 94, 113, 126, 127, 133, and 179 of an act to incorporate the city of Dallas, approved August 9, 1876, and all amendments to said sections by the amendatory acts of July 9, 1879, April 3, 1881, and March 31, 1883, and to repeal all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 4 of an act amendatory of and supplementary to the several acts incorporating the city of Dallas, and taking effect April 3, 1885, be and the same is hereby amended so as to read as follows:

Section 4. The municipal government of the city of Dallas shall consist of a city council, composed of the mayor and two aldermen from each ward. A majority of the aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as they may prescribe. At called meetings, or meetings for the imposition of taxes, two-thirds of a full board shall be required. The other officers of the corporation shall be a city secretary, treasurer, an assessor, a collector, a city attorney, a city engineer, a city marshal, a city superintendent of water works, a health officer, a street superintendent, and such other officers and agents as the city council may hereafter create, all of whom shall be elected by the qualified voters of the city of Dallas, as provided for by the city charter, except the city secretary, city treasurer, and city attorney, who shall be elected by the city council at the first regular meeting in May, 1888, and every two years thereafter: *Provided*, That the assessor and collector mentioned in this section shall not be elected until the regular election of officers in 1888, when they shall be elected in such manner as may be provided for by the city charter.

Sec. 2. That Section 12 of said last named act be and the same is hereby amended so as to read as follows:

Section 12. The city council shall have power to fix the compensation of all city officers, and to regulate the fees of all jurors, witnesses, and others who render services under the charter and ordinances of said city. Whenever the city council shall fix the compensation to be paid any officer, whether elected by the people or by the council, they shall make the same payable monthly, out of the city treasury.

Sec. 3. That there be added to said last named act another section, to be known as Section 15a, which shall read as follows:

Section 15a. In all cases of special assessments for local improvements of any kind whatever, against any property, persons, or corporations whatsoever, and said assessment has failed to be valid, in whole or in part, because the charter provisions authorizing such assessment did not sufficiently point

out the mode and manner of making or enforcing the collection of such assessment, or because said assessment is void, insufficient, or inoperative for want of form or any non-compliance with the charter provisions governing such assessment, the city council shall be and are hereby authorized to reassess said special taxes or assessments against the property of persons or corporations that may have been benefited by the improvement made, and to enforce the collection of the same, said reassessment and collection to be made and enforced in accordance with the charter provisions existing at the time the reassessment is made.

SEC. 4. That Section 25 of an act to incorporate the city of Dallas, approved August 9, 1876, and all amendments thereto by the amendatory acts of July 9, 1879, April 3, 1881, and March 31, 1883, be and the same are hereby amended so as to read as follows:

Section 25. The assessor shall make up all the assessments of all property to be taxed by the city, including license and occupation taxes, and make duplicate rolls thereof; and on completion of said rolls and their approval by the city council, he shall deliver one of them to the city secretary and the other one to the collector, all to be done in such manner and by such time as the city council may prescribe by ordinance. The assessor shall perform such other duties as may be required of him by the city council. He shall receive for his services such salary as the city council may establish by ordinance. He shall give bond in such amount and in such form as the city council may prescribe, with good and sufficient sureties. He shall be and hereby is authorized to require the owners of all property subject to taxation by the city to render a correct account of the same under oath or affirmation, to be by him administered. The collector shall collect all taxes due the city, whether the same be general or special taxes, or special assessments for any purpose whatever. And in the event of the non-payment of any of said taxes or assessments, he shall proceed to sell property to satisfy the amount of said taxes and assessments, together with all costs and penalties, in accordance with the provisions of the charter in such cases made and provided. In the performance of his duties the collector shall observe the charter provisions concerning the collection of taxes heretofore applying to the office of assessor and collector; and shall be governed by the same so far as they may be applicable. He shall give bond in such amount and form as the city council may prescribe, with good and sufficient sureties. The city council may require a new bond whenever in their opinion the existing bond is insufficient; and whenever such bond is required, the collector shall perform no official act until said bond shall be given and approved. He shall at the expiration of every week pay to the city treasurer all money by him collected, and report to the city council, at the first regular meeting in every month, all moneys so collected and paid. The collector shall perform all such other duties, and in such manner, and according to such rules and regulations, as the city council may prescribe. This section is not to be construed to authorize the collector and the assessor herein mentioned to enter upon their respective duties herein provided for until after they shall be regularly elected in the year 1888, in such manner as may be provided in the city charter. All provisions now in the charter regulating the duties of the present assessor and collector, are hereby made to govern the collector provided for in this section, as far as the same may be applicable to the office of collector.

SEC. 5. That Section 63 of said last named act be amended so as to read as follows:

Section 63. To establish and regulate public pounds, and to regulate,

restrain, and prohibit the running at large of horses and mules, cattle, sheep, swine, and goats, and to authorize the detaining, impounding, and sale of the same for the costs of the proceedings and the penalty incurred, whether the owners thereof reside in or out of the city limits, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for violation of such ordinance.

SEC. 6. That Section 84 of said last named act be amended so as to read as follows:

Section 84. To appropriate so much of the resources of the city, emanating from whatever source, for the purpose of retiring and discharging the accrued indebtedness of the city, and for the purpose of improving the public markets and streets, erecting and conducting city hospitals, city halls, water works, etc., as they may from time to time deem expedient; and in furtherance of these objects they shall have power to borrow money upon the credit of the city, and issue coupon bonds of the city thereof, in such sum or sums as they may deem expedient, to bear interest not exceeding six per cent per annum, payable semi-annually at such place as may be fixed by the city ordinance: *Provided*, That the aggregate amount of bonds issued by the city council shall at no time exceed one million dollars.

SEC. 7. That Section 91 of said last named act be amended so as to read as follows:

Section 91. That the city council shall have power to levy and collect taxes annually, known as license or occupation taxes, upon trades, professions, callings, and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons, and other vehicles used in said city, when the same are for public use; that each and every person or firm engaging in the following trades, professions, callings, and business; among others, shall be liable to pay such license tax; but this enumeration shall not be considered to deprive the city council of the right and power to levy and collect other license taxes, and from other persons and firms, under the general authority herein granted, whether the same be taxed by the State or not.

SEC. 8. That Section 94 of said last named act be amended so as to read as follows:

Section 94. That the city council may provide by ordinance for the exemption from taxation of such property as they may deem just and proper: *Provided*, Nothing contained herein shall be construed to allow the city council to exempt any persons, corporations, or property whatever from the payment of any special taxes or assessments whatever for local improvements of any kind or purpose whatever.

SEC. 9. That Section 113 of said last named act be and the same is hereby amended so as to read as follows:

Section 113. The city council are herein empowered to pass all ordinances necessary for the levying and proper assessment of all taxes and assessments provided for anywhere in any and all of the various acts incorporating the city of Dallas and in any and all acts amendatory thereof.

SEC. 10. That Section 126 of said last named act be and the same is hereby amended so as to read as follows:

Section 126. On the first Tuesday in November of each year, the collector shall offer at public sale, at the court house door in the city of Dallas, all real estate on which taxes or special assessments shall remain due and unpaid, and such sale shall be made to realize all taxes due on such lands and all interest and costs of sale: *Provided*, That this section shall not be construed to prevent the sale of real estate for special assessments at such

other times as may be provided for elsewhere in the city charter and ordinances in pursuance thereof.

SEC. 11. That Section 127 of said last named act be and the same is hereby amended so as to read as follows:

Section 127. Before such sale, notice of the time and place of sale, together with as near as may be a description of the property, shall be given by posting two notices, one at the court house and the other at the city hall in the city of Dallas, also by publication in some newspaper of the city once a week for at least four weeks before said sale, which notice shall contain a statement of the amount due on each particular piece of ground.

SEC. 12. That Section 133 of said last named act be and the same is hereby amended so as to read as follows:

Section 133. If from neglect of the officers, or from any other cause, real property is not duly advertised and sold on the first Tuesday in November of each year, then the city collector shall sell the same on the first Tuesday in December, or on the first Tuesday in any month thereafter, giving notice as provided for in Section 127 of this act.

SEC. 13. That Section 179 of said last named act be amended so as to read as follows:

Section 179. The city council are hereby empowered to enact all ordinances necessary for the enforcement of all the provisions contained in any and all acts incorporating the city of Dallas, or in any and all amendments thereto, and to levy, assess, and collect any and all taxes and assessments anywhere provided for in any of said acts of incorporation or in amendments thereto.

SEC. 14. That all laws and parts of laws in conflict herewith be and the same are hereby repealed; that the completion of the improvements now in course of construction creates an emergency, and an imperative public necessity exists that the constitutional rule be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 80 yeas, 1 nay; and passed the Senate by a vote of 25 yeas, 1 nay.]

Approved, March 4, 1887.

HEIRS OF WILHELM KUHLMAN—RELIEF OF.

CHAP. 2.—[H. B. No. 172.] An Act to authorize and require the Commissioner of the General Land Office to issue a patent to the heirs of Wilhelm Kuhlman for 320 acres of land located in Gillespie County on December 1, 1879, by virtue of Scrip No. 5.

Whereas the heirs of Wilhelm Kuhlman have heretofore received from the State of Texas land scrip No. 5 for 320 acres of land, issued by J. Portis, commissioner of Fisher and Miller's Colony, this certificate having been located in Gillespie County, on application of F. Winkel, by Julius Schuchard, the lawful county surveyor of said county, on the first day of December, 1879; and whereas said certificate, together with the field notes, properly authenticated, have been lost by mail while on the road to be returned to the General Land Office; and whereas, in consequence of the destruction of said certificate, a patent cannot be issued; and whereas said F. Winkel has given notice, as required by law in such cases, that he will apply to this Legislature for a special law granting the land located in Gillespie County, State of Texas, by virtue of said certificate No. 5, prior to the loss of the same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Commissioner of the General Land Office is hereby authorized and required to issue a patent for the 320 acres of land located in Gillespie County by virtue of said certificate No. 5, to the heirs of Wilhelm Kuhlman: *Provided*, The issuance of said patent as provided above shall not prejudice the claim or claims of any other claimant to said land.

Approved, March 15, 1887.

VALIDATING PURCHASE OF SCHOOL LANDS BY PIERCE JOHNSTON.

CHAP. 3.—[H. B. No. 219.] An Act to validate the purchase by Pierce Johnston from the State of Texas of certain school sections of lands lying in La Salle County.

Whereas, on the — day of March, 1882, Pierce Johnston, county surveyor of La Salle County, purchased from the State of Texas, under the act of the Legislature approved April 6, 1881, six and one-half sections of land lying in La Salle County, belonging to the common school fund, viz.:

Survey.	Certificate No.	Original Grantee.
162.....	811	H. & G. N. R. R. Co.
152.....	812	H. & G. N. R. R. Co.
156.....	813	H. & G. N. R. R. Co.
320 acres out of 22.....	89	Seale & Morris.
150.....	817	H. & G. N. R. R. Co.
74.....	1599	B. S. & F.
76.....	1600	B. S. & F.

And whereas the said Pierce Johnston in all things complied with the law in making said purchase, and paid into the State Treasury one-twentieth of the purchase money for said land; and whereas, in the winter of said year, 1882, the said Pierce Johnston sold and conveyed four and one-half sections of said land to Charles Sullivan, for the sum of three thousand one hundred and fifty dollars, the said Sullivan in addition thereto assuming to pay the State of Texas the balance of the purchase money due on the same; and whereas the said Pierce Johnston sold and conveyed the remaining two sections to Charles F. Shea, for a valuable consideration; and whereas both the said Sullivan and Shea purchased the same in good faith, under the impression that they were receiving a perfect title thereto, and in that belief have annually, as the law requires, paid into the State treasury the accrued interest on the unpaid purchase money assumed to be paid by them severally; and whereas they have improved said lands by a large outlay of money in constructing tanks and inclosing the same: Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the purchase of said six and one-half sections of land by Pierce Johnston, county surveyor of La Salle County, on the — day of March, 1882, be and the same is in all things affirmed and validated, and to have the same force and effect as if the said Pierce Johnston had not been county surveyor at the time of said purchase.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the fifteenth day of March, 1887, but was not signed by him or returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. M. MOORE, Secretary of State.]

RELIEF OF J. B. EARLY.

CHAP. 4.—[H. B. No. 499.] An Act for the relief of J. B. Early, and to validate Bounty Land Certificate No. 831 and the survey made by virtue thereof, issued by Ben F. Hill, Adjutant-General of Texas, on the 28th day of May, 1851, for 240 acres of land, to Henry W. Ward, the said J. B. Early being now the owner of said certificate.

Whereas the land certificate issued to Henry W. Ward for 240 acres of land, on the 28th day of May, A. D. 1851, by the Adjutant-General of Texas, was by omission not presented for approval to the Commissioner of Claims, as required by law, said certificate being now in good faith located in Somervell County, formerly Hood County, Texas: Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That said land certificate issued to the said Henry W. Ward as aforesaid be and the same is hereby validated and declared a legal certificate, and the Commissioner of the General Land Office is hereby required to issue a patent by virtue of any location made by said certificate: *Provided,* That nothing herein contained shall be construed to affect any rights of B. J. Chambers to the land covered by the location hereby validated.

SEC. 2. The near approach of the close of the present session of the Legislature rendering it doubtful as to whether this act can pass in the regular course of legislation, creates an imperative public necessity and emergency requiring the suspension of the constitutional rule which requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 75 yeas, no nays; and passed the Senate by a vote of 24 yeas, 3 nays.]

Approved, March 29, 1887..

GALVESTON CITY—AMENDMENTS OF CHARTER.

CHAP. 5.—[S. H. B. No. 75.] An Act to amend the charter of the city of Galveston, by amending Sections 2, 3, 14, 19, 23, 54, 116, 122, and 127 thereof, and by adding thereto Sections 73a, 96a, 131a, and 132a.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Sections 2, 3, 14, 19, 23, 54, 116, 122, and 127, of the Charter of the City of Galveston, be and the same are hereby amended so that they shall hereafter read as follows, to-wit:

Section 2. That the limits of said city shall embrace so much of the island of Galveston from the point thereof on the east to Fifty-sixth [street], or to include the league and labor of land known as the Menard grant: *Provided,* That said league and labor shall extend beyond Fifty-sixth street; thence to include Galveston Bay and Pelican Island, and one mile north thereof; and the waters of the Gulf of Mexico extending south one marine league from the shore, from the channel and anchorage on the eastern end of Galveston Island to the western boundary of the city, so as to extend the police authority and jurisdiction, inclusive of Pelican Island, over all the area and territory aforesaid: *Provided, nevertheless,* That jurisdiction shall extend from the eastern boundary of said city over all real estate beyond said limits purchased by said city for the use of the corporation: *And provided furthermore,* That all the municipal regulations of said city shall apply to, extend, and be in full force over the harbor and anchorage of Galveston, and to the bar at the entrance of said harbor, and the corporate authority

and jurisdiction shall extend from the eastern boundary of said city over the east end of Galveston Island, and over all real estate beyond said limits purchased by said city for the use of the corporation: *And provided further*, That the said limits may be hereafter extended, including and adding more territory to the same, whenever a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city: *And provided further*, That neither the corporate limits nor the jurisdiction of said city shall extend to any point of the mainland so as to interfere or conflict in any wise with the riparian rights and privileges of the owners of the mainland or any part thereof bordering upon the waters of said bay: *And provided further*, That the jurisdiction of said city shall not extend over Bolivar Channel except for police and sanitary purposes.

Section 3. The municipal government of said city shall consist of a city council, composed of a mayor, and one alderman from each ward. A majority of the aldermen elected shall constitute a quorum for the transaction of business, except at a called meeting or meetings for the imposition of taxes, when three-fourths of the aldermen elected shall be required, unless herein otherwise specified. The officers of the corporation shall be a treasurer and assessor, a collector, a clerk, a chief of police, an engineer (who shall also be superintendent of streets), an attorney, an auditor, a health physician, a harbor master, and such other officers and agents as the council may direct; all of whom shall be appointed by the mayor on the second Monday after each biennial election, or as soon thereafter as possible, and each of whom shall be confirmed by a majority of the board of aldermen. All of said officers so appointed by the mayor shall hold their offices until the second Monday after the next succeeding biennial election, and until the appointment and qualification of their successors, unless removed by the mayor or by the city council under authority vested in it by this charter. The duties of the harbor master shall be such as have been or may be prescribed by the city council, and he shall receive for his services such compensation as the city council may determine, not to exceed eighteen hundred dollars per annum, and shall give bond for the faithful performance of his duties in the sum of ten thousand dollars.

Section 14. The mayor shall preside over the meetings of the city council, but shall have no vote unless there is a tie, in which case he shall give the casting vote. He shall also be recorder, and have like power with a justice of the peace to administer oaths of office and also all oaths and affirmations, and to give certificates thereof. He shall possess and execute in the city, in criminal cases, all the powers and duties of a justice of the peace. He shall be compensated for his services by a salary of three thousand dollars per annum, payable at stated periods, and shall receive such fees as may be allowed by law, which fees shall be paid into the city treasury. He shall, by and with the consent of the board of aldermen, have power to remove any officer holding office under the appointment of the mayor, and shall, by and with the consent of the board of aldermen, fill by appointment any vacancy occasioned by such removal. He shall have authority, in case of a riot or any unlawful assemblage, or with a view to preserve peace and good order in said city, to order and enforce the closing of any theater, ball room, grog shop, tippling house, bar room, or other place of resort, or public room or building, and may order the arrest of any person violating in his presence the laws of the State or any ordinances of the city; and he shall perform such other duties and possess and exercise such other power and authority as may be prescribed and conferred by the city council.

Section 19. It shall be the duty of the city attorney to represent the city

in all cases brought for or against it in the courts of the State or United States in the county of Galveston, and in the recorder's court when requested by the mayor in writing, or by order of the city council. He shall give legal advice to the mayor, any officer, or the city council, when applied for in writing or referred to him by the city council. He shall prepare all ordinances, and examine, supervise and prepare all contracts made by the city. He shall receive an annual salary of not to exceed twenty-five hundred dollars, and such fees and commissions as may be provided by the city council. He shall give bond for the faithful performance of his duties in the sum of five thousand dollars. The powers, duties, and qualifications of the city engineer, and the salary for his services, shall be prescribed by the city council, not to exceed two thousand dollars, and such fees as may be prescribed by ordinance. As to officers' fees, this section shall not be subject to the provisions of Section 171 of this charter.

Section. 23. It shall be the duty of the auditor to examine in detail all bills, accounts, and claims against the city, and if found correct sign his name in approval, but if found incorrect he shall return them to the appropriate committee or the city council with his objections thereto. It shall also be his duty to examine the books of all officers of the city, and if they should be found incorrect to make a report of the same to the city council. It shall also be his duty to examine all warrants and countersign the same when an appropriation has been duly made to pay the same by the city council; and he shall render such other services from time to time as the city council may direct, and shall receive for his services such compensation as the city council may determine, not to exceed eighteen hundred dollars per annum, and shall give bond for the faithful performance of his duties in the sum of ten thousand dollars.

Section 54. To pass ordinances for the condemnation of property for the purposes of opening streets in the city, conforming the mode and manner of the same to the rules prescribed for cities and towns by the General Laws of the State; and to regulate, prohibit, or remove all buildings or structures on the shores or in the waters within the limits of the city where the same are not authorized by law.

Section 116. There shall be and is hereby created a board, called the commissioners of water works, to consist of five members, to be appointed by the mayor and confirmed by the city council, who shall hold their offices for the term of four years, and until their successors are duly elected and qualified, except as hereinafter prescribed. Said commissioners shall be entitled to receive such salary as the city council may determine, not to exceed three hundred dollars each per annum, payable quarterly. The mayor, with the approval of the city council, shall have the power to remove any commissioner for cause, and to fill any vacancy occurring in said office either from death, resignation, removal from office, removal from the city, or other cause. All appointments to fill vacancies shall be for the unexpired term. No person shall be eligible to the office of commissioner unless he is thirty years of age, a freeholder and qualified voter in said city. The mayor shall, on the first Monday in July, 1887, or as soon thereafter as practicable, appoint the five commissioners provided for in this act, and said commissioners shall hold their offices two of them for two years and three of them for four years from the date of appointment. The mayor shall issue commissions to the persons so appointed, designating the terms for which they are severally appointed, and whenever the term of office of any commissioner expires the appointment of his successor shall be for four years. Said commissioners shall take the oath of office required of other

officers of said city, and give bond for the faithful performance of their duties, payable to the city of Galveston, in the sum of ten thousand dollars, to be approved by the mayor of the city. Upon the appointment and qualification of the commissioners they shall organize by the election of a president from among their own number, and appoint a secretary, with such salary as they may prescribe, and a majority of the commissioners shall constitute a quorum for the transaction of business. They shall advertise and let contracts for the construction of a system of water works, according to plans and specifications to be adopted by them, but all contracts shall be subject to the approval of the city council, and shall be signed by the mayor and countersigned by the city clerk before the same shall take effect. Any contract made under the provisions of this section shall state the source of water supply, the location, capacity, and plan of the main reservoir; the location, capacity, and plan of all stand-pipes and reservoirs in the city, and the location, size, number, and material of all hydrants. Any contract made under this act for the construction of water works shall be paid for by the city, in five per cent forty-year bonds, issued for the purpose of constructing water works. For the purpose of obtaining information, and paying their necessary expenses and the expense of a competent engineer for consulting and advisory purposes, said board is hereby authorized to expend the sum of ten thousand dollars, or so much thereof as may be necessary, to be paid by the city council out of the proceeds of sales of bonds to be issued for the construction of water works. The water works, except the assessment of water rates and the collection of revenue therefrom after their construction, shall be under the control and management of the board of commissioners of water works, and the board shall appoint all officers, agents, and other subordinates and employes as may be necessary for the management and efficient operation of said water works, as may be provided by ordinance. The board shall have authority to remove or suspend any officer, agent, or employe of said department. The doing of all work and repairs, and the furnishing of all material and supplies, shall be let out by the board by contract, except in cases where it is not practical to do such work or furnish such material by contract, and all contracts involving the expenditure of over one thousand dollars shall be submitted to the city council for their approval. Whenever the city council shall by ordinance provide for the extension of the system of water works along streets and alleys not supplied in the original construction of the water works, the board shall contract for the construction of the same in the manner hereinbefore provided, subject to the approval of the city council. The city council shall fix, assess, and collect all water rates and tolls, and pass all ordinances necessary for the protection, preservation, and regulation of the water works, and enforce the same by suitable penalties. The board shall keep a record of their proceedings in a well bound book kept for that purpose; they shall keep an account of all contracts, purchases, and expenditures made by them, and shall report to the city council on the first day of every month a pay roll and list of expenditures made in their department during the preceding month.

Section 122. In order to effect the abatement of nuisances or removal of accumulated filth, the board of health shall have power, whenever in their opinion such nuisance or filth exist, and is, or is likely to become, detrimental to the public health, after officially so declared by them, to notify in writing, through its officers, the owner, agent, lessee, or tenant thereof, to abate or remove the same, either by filling up, draining, cleansing, purifying, or removing the same, as the case may be. If the owner who shall

have been served with such notice shall fail within the time indicated in the notice to comply with such order of the board, or fail to show good cause why he cannot or ought not to comply with such order, for which purpose he shall be entitled to be heard before said board if he so requests it, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars nor more than two hundred dollars, with an additional fine of not less than five nor more than fifty dollars imposed for each and every day that the person or persons thus convicted shall, after conviction and due notice thereof, fail or refuse to abate or use due diligence in the work of abating such nuisance; and if such service cannot be made, for the reason that the owner, agent, lessee, or tenant of the property upon which the nuisance may exist cannot be found in the city, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, then the board shall cause such notice to be published in the newspaper doing the city printing for five consecutive days (Sundays excepted), and if within five days after such service of notice, or after its publication as aforesaid, such nuisance shall not be abated or the order observed by the owner, then the board shall report the same with the proceedings had by them thereon to the city council, and thereupon the city council shall, if two-thirds of all the aldermen elect vote therefor, order said nuisance to be abated, either by filling up, draining, cleansing, purifying, or removing the same, as the case may be, under the supervision of the city engineer. The city council before ordering said nuisance to be abated shall, for the purpose of acquiring the most reliable information practicable of the probable cost of said work, cause an estimate to be made of said probable cost by the city engineer, and said engineer shall also report a full list of all lots or fraction of a lot with the number of blocks upon which such nuisance is situated, and the names of the owners thereof, and such other information as may be required by the city council, and if there be any lot or fractional lot the owner whereof is not known, the same shall be entered on said list as "unknown," and said engineer shall enter in said list opposite each lot or fractional lot the estimated cost of the work to be done on the same; and when said work is ordered by the city council, and shall have been completed, the council shall cause an accurate report of the cost thereof to be made by said engineer, stating the cost of the work done on each lot or fractional lot, and upon the acceptance and approval of said report and list by the council, said amounts shall be imposed, levied, and assessed by the city council on said lots or fractional lots respectively, and collected by the collector, and shall be a first privileged lien upon the property until paid. Said assessment shall bear interest at the rate of eight per cent per annum from the date of assessment until paid. The enforcement of the payment of said assessment shall be regulated, governed, and controlled in the mode and manner provided for the collection of assessments for street improvements contained in section one hundred and twenty-nine: *Provided*, That for any such assessment and interest as aforesaid, the city council may cause suit to be instituted and recovery had in the name of the city in any court having jurisdiction, and the report of the engineer of the cost of said work, together with the proceedings of the city council making said levy and assessment, or a copy thereof duly certified by the city clerk, shall be full proof and satisfactory evidence for the recovery of judgment for said assessment and interest.

Section 127. The city council shall be invested with full power and authority to grade, fill, raise, repair, pave, or otherwise improve any avenue, street, or alley, or any portion thereof, within the limits of said city, whenever by a vote of two-thirds of the aldermen elected they may deem such im-

provement for the public interest: *Provided*, The city pay one-third and the owners of the property two-thirds of the paving thereof, except the intersection of the streets from lot to lot across the streets either way shall be paid by the city alone. Said two-thirds of said costs of the paving to be paid by the owners of the property fronting on said thoroughfares shall be assessed on or against said property and collected by the city whenever such improvement is completed and accepted by the city council: *Provided further*, That not more than thirty thousand superficial yards of such thoroughfares shall be filled, graded, and paved in any one year: *Provided further*, That the filling, raising, and grading of streets or alleys upon which the limitation as to paving does not apply the city council shall fix the maximum grade on Broadway at not less than ten feet above mean low tides, so as to drain the city north and south from Broadway.

Sec. 2. That the charter of the city of Galveston be amended by adding thereto Sections 73a, 96a, 131a, and 132a, as follows, to-wit:

Section 73a. To regulate, control, and direct the mode and manner of the laying and construction of street railway tracks, switches, turnouts, turn-tables, and other necessary structures in the streets and alleys, and to compel railway companies to keep the streets between their rails ballasted and graded on a level with their rails; and to keep the space between their rails in all paved streets in perfect repair, or to pay actual cost of the same when done by the city; to compel the street railway companies to build all necessary culverts, and to make all necessary improvements, so as to insure a safe and easy passage for vehicles over said streets, or to pay the actual cost of the same when done by the city; to compel street railways to raise or lower their rails and the road-beds between the same to conform to the grades of the streets, or to pay the actual cost of the same if done by the city; to compel street railway companies to pay the actual cost of filling and grading, or filling, grading and paving the streets between their rails in all cases where the same may be filled and graded, or filled, graded, and paved by the city: *Provided*, That this section shall not alter or change the mode of improving streets and assessing the cost of the same, as prescribed in Sections 127, 128, 129, and 130 of the city charter. To regulate the speed of street cars; to forfeit rights of way and franchises heretofore or hereafter granted to street railway companies, for non-user or abandonment; and to enforce the provisions of this section by proper ordinances and penalties.

Section 96a. That in all cases where any dealer in merchandise, wares, or goods of any kind subject to ad valorem or occupation taxes, or both, under the provisions of this act, who shall, after the rendition of said goods, wares, or merchandise for taxation, or, after becoming liable for any occupation tax, become bankrupt, or make an assignment of said merchandise, wares, or goods, or sell out the same in bulk, then the collector of taxes shall at once present to the receiver, assignee, or vendee of said dealer, for payment, the amount due for said taxes by said dealer, and in case of failure of said receiver, assignee, or vendee to at once pay the amount of said taxes, the said collector shall levy upon, seize, and sell, from the said merchandise, wares, or goods, enough to satisfy the amount of said taxes; and said taxes until paid shall constitute a prior lien on said merchandise, goods, and wares in default of the payment of said taxes. And whenever any merchandise, wares, or goods shall be levied upon or seized under any writ of attachment or execution upon which the city has a claim for taxes unpaid, the collector shall present for payment, to the officer levying said writ of attachment or execution, the amount due for said taxes on said

merchandise, wares, or goods, and in case of failure of said officer or the plaintiff in said writ to at once pay the amount of said taxes, the collector shall proceed to levy upon, seize, and sell enough of said merchandise, wares, or goods to satisfy the amount of said taxes.

Section 131a. The said city shall have the power to appropriate the net proceeds of the bonds authorized under Section 131 of the city charter, for the purpose of paying and redeeming the legal and valid floating debts of the city existing on the first day of January, 1887, not to exceed in amount the sum of one hundred and fifty thousand dollars.

Section 132a. The said city shall have the power to issue bonds to the extent of seven hundred thousand dollars, of the denomination of one hundred dollars or any multiple thereof, payable at forty years after the date of their issue, bearing interest at a rate not to exceed five per cent per annum, payable semi-annually. The net proceeds of four hundred and fifty thousand dollars of said bonds shall be used exclusively for the establishment and construction of water works for the supply of fresh water for the city of Galveston and its citizens, and for the establishment of a system of sewerage for said city. The net proceeds of two hundred thousand dollars of said bonds shall be used exclusively for permanent street improvements, not more than forty thousand dollars of which shall be expended in any one year. And the net proceeds of fifty thousand dollars of said bonds shall be used for the construction of a city hall. The indebtedness provided for in this section shall not be governed or limited by the provisions and limitations contained in section one hundred and thirty-two of this charter: *Provided*, That said bonds shall not be sold for less than par: *Provided*, That no contract for water works or work done in the construction of water works shall be paid for with the bonds hereby authorized to be issued, but said works shall be paid for with cash arising from the proceeds of the sale of said bonds.

SEC. 3. That whereas the near approach of the end of the present session creates an imperative public necessity requiring the suspension of the rule requiring bills to be read on three several days; therefore said rule is hereby suspended; and it is further enacted that this bill take effect and be in force from and after the first day of July, A. D. 1887.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 78 yeas, 1 nay; and passed the Senate by a vote of 23 yeas, no nays.]

Approved, March 29, 1887.

GALVESTON CITY—AMENDMENTS OF CHARTER.

CHAP. 6.—[S. B. No. 290.] An Act amendatory of and supplementary to an act entitled An Act to incorporate the city of Galveston and to grant a new charter, approved August 2, 1876, and amended April 5, 1881, March 7, 1883, and February 26, 1885, by adding thereto Title No. 13, authorizing the construction of sea-walls and breakwaters, and for that purpose authorizing the exercise of the right of eminent domain, the issuance of bonds, and the levy of a tax, and granting in aid of said works certain rights and privileges in and to the land upon the gulf shore opposite said city from the southwest corner of the city league to the east end of Galveston Island.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That said act be and the same is hereby amended by the addition of a title to be known as Title 13, to read as follows:

Title 13. Article 1. Section 177. The city council shall have power to

establish, locate, erect, construct, and keep in repair, sea-walls, breakwaters, and other works which said council may deem necessary for the protection of the city from encroachment or overflow by the waters of the gulf or bay; and said council shall have full and continuing power over and about said works to renew, alter, remove, or relocate the same; to license and regulate such additional uses of said works as will not impair their efficiency, or to prohibit the said additional uses; to pass ordinances for protection and preservation of said works from obstructions or injuries of any description; and to impose fines and imprisonment, within the limits prescribed by this charter, for the violation of either or any of the provisions of said ordinances.

Section 178. The city council shall have power to impose additional uses and burdens upon the streets, avenues, alleys, and public grounds of said city for the location and maintenance of sea-walls and breakwaters; also power to take such lands as said council may deem necessary for the establishment, location, and construction and protection of sea-walls, breakwaters, and other like works for the protection of the city from encroachment or overflow by the waters of the gulf or bay, and for said purposes to define the area of land needed, and to take the use of and easement over said lands, but in no case shall the fee to the land be taken except by consent of the owner or owners thereof.

Section 179. In exercising the right of eminent domain under the preceding section the city shall make a just compensation for the property taken, damaged, or destroyed; and whenever the city, its officers or agents, cannot agree with the owners of the property which is to be taken, damaged, or destroyed, as to the amount of compensation, or whenever the owners thereof are under any legal disability or unknown, the amount of compensation shall be ascertained and deposited with the city treasurer in trust for the owner thereof before said city shall have the right to enter upon said land for any purpose other than the making of preliminary surveys.

Section 180. If the parties cannot agree as to the amount of compensation provided for in the preceding section, or if the owners of the land required are under any legal disability or unknown, the city council shall by resolution define the land sought to be condemned for said uses, giving the names and residences of the owners thereof if known, and indicating who if any among said owners are minors or under other disability, and said council shall file a copy of said resolution with the county judge of Galveston County, who shall appoint commissioners as provided by Article 4183 of the Revised Statutes, and notice shall be given to the owners, the compensation shall be assessed, and the condemnation of the land or the use thereof as defined by the city council shall be enforced under and in compliance with the laws of this State regulating the appropriation of lands for railroad purposes in so far as the same are applicable, and the proceedings under said laws and the judgment of the county court thereunder shall vest in the city of Galveston the estate in fee simple or such less estate in the lands as may be taken hereunder.

Article II. Section 181. Before incurring any indebtedness, and before issuing the bonds of the city for the purpose of constructing sea-walls and breakwaters, and securing the right of way therefor, the city council shall by ordinance prescribe the amount of the bonds to be issued and the rate of interest thereon, and provide for an election at which all taxpayers who are qualified voters entitled to vote in said city shall be allowed to vote for or against the proposed taxation for the payment of said bonds and interest thereon.

Section 182. For the purpose of ascertaining whether two-thirds of the taxpayers of said city have voted in favor of the proposed taxation, the mayor, the city assessor, and the city collector are hereby constituted and appointed a board of inquiry. Whenever an election is ordered hereunder said board shall make out from the latest completed assessment roll of said city a list of all taxpayers of said city who are qualified voters therein, and from the date of the notice of said election until five days before the day thereof said board shall sit daily for the purpose of making additions to and corrections of said list, and all taxpayers shall, during said period, have the right to apply to said board and to have their names entered on said list. During the period of five days before said election said board shall make out under certificate and file with the city clerk a complete alphabetical list of all the taxpayers who are qualified voters at said election, and shall furnish printed copies of said list to the officers at each poll at said election: *Provided, nevertheless,* That the judges of said election shall have the right to examine any person offering to vote whose name is not on said list, and shall receive the vote of such person if satisfied that he is a taxpayer and qualified voter in said city, and a list of the names of all persons thus permitted to vote shall be kept by the officers of the election, and said lists, together with the printed lists furnished by said board, and the returns and poll lists of said election, shall be returned to the city clerk. The ballots at said election shall be printed or written on white paper, without any outward mark or device to distinguish the same, and shall contain the words, in substance, "in favor of the proposed tax," or "against the proposed tax." Said election shall be, except as herein otherwise provided, ordered and conducted in the same manner in all respects as elections for mayor and aldermen of said city, and the returns thereof shall be made in like manner: *Provided, nevertheless,* That said election may be held upon thirty days notice thereof at any time fixed by the city council: *And provided further,* That the council may renew the proposition to tax for sea-walls and breakwaters until the limit of the indebtedness herein authorized has been reached.

Section 183. The city council shall, as soon as practicable after said election, meet and canvass the returns thereof, and with the aid of the returns and lists herein provided for, together with such other evidence as may be required, ascertain and record in the minutes of said council the total number of taxpayers of said city who are qualified voters in said city on the day of said election, the number of said taxpayers voting in favor of the proposed taxation, and the number of said taxpayers voting against the same. In the event that two-thirds of the taxpayers of said city who are qualified voters therein shall have voted in favor of the proposed tax, the said city shall thereupon have power to issue its bonds for the construction and maintenance of sea-walls and breakwaters, and for securing the right of way for said works: *Provided, however,* That the total amount of the bonds issued hereunder shall not exceed eight hundred thousand dollars, and that the interest on said bonds, which shall be payable semi-annually, shall not exceed six per cent per annum. Said bonds shall be issued in denominations of one hundred dollars or multiples thereof, and made payable thirty years after the date of their issuance, and the city council shall by ordinance prescribe the style, form, and requisites of said bonds, the amount of bonds to be issued, the annual rate of interest, and the time and place or places of paying the same; and said council shall make all further provision required for the issuance and disposal of said bonds: *Provided, however,* That said bonds shall not be issued without the assent of the Galveston Sea-Wall Commission herein created, which assent shall be endorsed

on said bonds before issuance, together with the signatures of the president and secretary of said commission: *And further provided*, That said bonds shall not be sold below their par or face value.

Section 184. Whenever bonds are issued under the preceding section the city council shall, without regard to the general limitation of taxes prescribed by this charter, annually levy, assess, and collect, in the mode prescribed by law for other municipal taxes, a tax on all the real estate and personal property in the city not exempt from taxation by the Constitution, sufficient to pay the interest and provide a sinking fund of not less than two per cent of the principal of all of said bonds which are outstanding or which are to be issued during the year, and all taxes collected by virtue hereof shall be held in trust by the city as a special and inviolable fund for the payment of the interest and principal of said bonds: *Provided, however*, That with the advice and consent of the Galveston Sea-Wall Commission herein created, any surplus over and above the amount required to meet the annual interest on said bonds may be invested for the benefit of the sinking fund; first, in the bonds issued hereunder, which may be offered for sale by a written proposal filed with the city clerk; secondly, if there be no unaccepted offer or offers to sell said bonds on file with said clerk, in approved securities of this State, or the counties thereof, or of the United States. But no bonds or securities shall ever be bought or paid for at a greater rate than their face or par value, with accrued interest.

Article III. Section 185. There shall be and is hereby created a commission composed of three members, to be styled the Galveston Sea-Wall Commission. If the votes of two-thirds of the taxpayers of said city shall be in favor of the levy of said tax, the Governor of the State shall thereupon appoint the members of said commission, one of whom shall be selected from the aldermen of said city, and all of the members shall be citizens of the city and taxpayers therein. The Governor shall also fill all vacancies in said commission, observing the requirements last above imposed as to original appointments, and he shall have full power to remove from office any of said commissioners. The members of said commission shall not directly or indirectly, as individuals or as members of any company or corporation, become interested in any contract growing out of the construction of the works, or the sale or the purchase of bonds herein authorized, and each member shall, before entering upon the duties of his office, make oath, in the presence of the city council, in form as follows: I, _____; do solemnly swear that I am not interested in any contract growing out of the construction of sea-walls, breakwaters, or other like works, or in the sale or purchase of bonds connected with said works, and that I will well and truly discharge my duty as a member of the Galveston Sea-Wall Commission. Said commissioners shall, unless sooner removed, hold their office for a term of two years, corresponding to the term of the mayor and aldermen, and until their successors are appointed and qualified, and shall each receive a salary of not less than one thousand dollars per annum. Said commission shall elect a presiding officer, and may employ a secretary and a consulting engineer, at salaries to be fixed by the city council. Said commission shall be and is hereby charged with the duty of ascertaining and adopting the plans and specifications for the works best adapted to secure the city from overflow, and with the awarding of contracts for the construction of the whole or any part of said works, and the inspection and acceptance and rejection of said works and the material therein if the same are constructed under contract, and with the purchase of material and employment of labor if said commission shall deem it expedient to

construct said works or any part thereof under its immediate supervision. It shall audit and approve all bills and claims of every description payable from the funds raised under this act, and payments out of said fund shall be made by the city treasurer on drafts by the president of said commission, countersigned by the secretary thereof, accompanying the bills and claims so approved. Said commission shall also be charged with the duty of negotiating the right of way for said works, if necessary, and making contracts therefor, and with the sale of the bonds issued hereunder, which shall be turned over to said commission for delivery, upon a requisition stating fully the proposed disposition of said bonds.

Article IV. Section 186. To better enable the city to secure the protection herein provided for, and to aid in the construction of said works, the right to the use and control of that certain strip or tract of land or sea bottom fifteen hundred yards in width lying along the gulf shore south of and contiguous to the line of mean low tide, and extending from the south jetty at the east end of Galveston Island to the prolongation of the western line of the Menard or city league, shall be and is hereby granted to said city, together with the right to reclaim land along the gulf shore within said limits: *Provided nevertheless*, That the rights, uses, and powers herein granted shall be enjoyed, used, and exercised without interfering permanently with the rights of the public to the sea shore or with the maintenance of a beach from ordinary high tide to low water.

Section 187. All funds, revenues, and moneys derived from the sale of the bonds herein authorized, the sale or rent of reclaimed or other lands acquired under this act, and from the additional uses of said works as herein authorized, shall be deposited with the city treasurer, and said funds, revenues, and moneys, together with all lands acquired under this act, shall be held in trust by the city exclusively for the construction and maintenance of sea-walls and breakwaters and for the purchase of the right of way therefor: *Provided however*, That said funds, revenues, and moneys, or part thereof, may be applied if necessary to the payment of the interest or to the sinking fund of the bonds issued for constructing said works.

SEC. 2. Whereas the necessity for the speedy construction of the protection works herein authorized creates an emergency calling for the suspension of the constitutional rule requiring bills to be read on three several days, and for the immediate operation of this act, said rule shall be and is hereby suspended, and this act shall take effect and be in force from and after its passage.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 23 yeas, no nays; and passed the House by a vote of 71 yeas.]

Approved, March 30, 1887.

AUTHORIZING WILLIAM M. WILSON TO SUE THE STATE.

CHAP. 7.—[S. S. B. No. 206.] An Act to authorize William M. Wilson to sue the State of Texas in the District Court of Travis County, Texas, to determine whether or not the State of Texas is indebted to him in any sum on account of the building and construction of the State Penitentiary at Rusk.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That William M. Wilson be and is hereby authorized to sue the State of Texas in the District Court of Travis County, Texas, to determine whether or not the State of Texas is indebted to said Wilson on account of the building and

construction of the State penitentiary at Rusk, Texas, and to fix the amount of such indebtedness, if any.

SEC. 2. That the sum of nine thousand dollars, or so much thereof as is necessary, be and the same is hereby appropriated to pay off and satisfy any judgment that may be rendered against the State by virtue of this suit: *Provided*, That the State shall in no event be required to pay any court cost or costs of said suit, but the same shall be paid by said Wilson; and he shall be required to give the necessary cost bond as is required in other civil actions: *And provided further*, Either party shall have the right of appeal to the Supreme Court of the State.

SEC. 3. Nothing herein shall be construed as an admission on the part of the State that said Wilson has any cause of action whatever against it, nor that the State is indebted to said Wilson in any sum whatsoever.

Approved, April 2, 1887.

CHAP. 8.—[H. B. No. 463.] An Act for the relief of the heirs of Alexander Farmer, deceased.

FOR RELIEF OF HEIRS OF ALEXANDER FARMER.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Commissioner of the General Land Office be and he is hereby authorized, empowered, and required to issue to the heirs of Alexander Farmer, deceased, the following certificates, to-wit: One special headright certificate for two-thirds of a league and a full labor of land; one donation certificate for six hundred and forty acres; one bounty certificate for six hundred and eighty acres.

SEC. 2. Said certificates may be located upon any of the vacant lands belonging to the State of Texas not heretofore appropriated or reserved from location: *Provided*, That if said certificates cannot be located on any public land, the owners thereof shall have no claim against the State.

SEC. 3. The near approach of the end of the present session of the Legislature rendering it improbable that this bill will pass in the regular course of legislation, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so enacted.

Approved, April 2, 1887.

FOR RELIEF OF W. T. PEERY, ETC.

CHAP. 9.—[H. B. No. 607.] An Act for the relief of W. T. Peery, and to relinquish the title of the State of Texas to certain lands to the said Peery under a judgment obtained in the District Court of Cooke County on the 9th day of December, 1867, against J. M. and E. C. Peery.

Whereas certain lands of Wm. Peery, deceased, were supposed to be escheated to the State of Texas about the year 1861, in Cooke County, Texas; and whereas said lands were sold to J. M. and E. C. Peery and judgment obtained against said vendees, and an order enforcing the vendors lien of the State on said lands; and whereas the heir of the said Wm. Peery appeared and received the purchase money for said land, after proving up his heirship to the satisfaction of the county court, on the 27th day of April, 1869; and whereas the said judgment of foreclosure in favor of the State of Texas still remains unsatisfied and is a cloud upon the title to

said land, to-wit, the Wm. R. Middleton survey of three hundred and twenty acres, and the James Rutledge survey of three hundred and twenty acres, situated in Cooke County, Texas; and whereas the State of Texas has by reason of the premises aforesaid no right to or interest in said judgment or said land: Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the State of Texas hereby relinquishes all claim to or interest in said judgment or the land aforesaid to the said W. T. Peery, his heirs and assigns.

SEC. 2. Whereas the near approach of the close of the session of the Legislature and the injury likely to result to the true owner of said land creates an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that the bill be passed, and it is so enacted.

Approved, April 4, 1887.

FOR RELIEF OF S. S. RANDALL, ET AL.

CHAP. 10.—[H. B. No. 608.] An Act for the relief of S. S. Randall, William Walker, J. W. Gaines, W. W. Parr, John W. Stevens, L. O. Starkie, S. W. Bettijohn, O. B. Robinson, E. J. Hughes, J. S. Storkigd, and the relief of such parties by whom and through whom they hold.

Whereas the State of Texas has instituted [suit] to escheat a certain tract of land containing fourteen hundred and seventy-nine acres, situated on the Leon, in Comanche County, Texas, granted to Henry Hubble as assignee of E. H. Windfield; and whereas the said parties hold the said land by purchase, and have occupied the same for a great number of years, paying taxes thereon, and have given notice of intention to apply for legislative relief, as provided by Section 57, Article 3, of the Constitution of the State of Texas: Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all rights of the State by reason of the escheat of said land, or proceedings to escheat, be and the same are hereby relinquished to the said parties and the parties under and from whom the said parties hold, and that the Attorney-General of the State be instructed to cause the district attorney to dismiss the suit by the State in the District Court of Comanche County brought to escheat said lands.

SEC. 2. Nothing herein contained shall be construed to prejudice the rights of Thomas Frazier, his heirs or assigns, or any other person from or under whom the said parties hold, and the said parties are hereby quieted in their title and possession in and to said lands, in so far as any adverse right, title, or claim of the State is concerned.

SEC. 3. Whereas the said District Court of Comanche County is soon to convene, therefore an imperative public necessity and emergency exist for the suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is therefore suspended, and this act takes effect from and after its passage.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 68 yeas, 9 nays; and passed the Senate by a vote of 24 yeas.]

Approved, April 4, 1887.

FOR RELIEF OF J. C. PATTON.

CHAP. 11.—[S. B. No. 323.] An Act for the relief of J. C. Patton.

Whereas J. C. Patton is the legal owner of nineteen alternate certificates for land, of three hundred and twenty acres each, viz., Certificates Nos. 25, 26, 27, 28, 29, 30, 49, 50, 52, 53, 54, 55, 56, 59, 61, 83, 85, 87, and 88, issued March 20, A. D. 1873, by the Commissioner of the General Land Office of the State of Texas to the Sulphur Fork Iron Works Company, a company duly chartered by the laws of Texas;

And whereas said nineteen certificates became in due course of trade, and for a valuable consideration, the lawful property of the said J. C. Patton, and were by him placed in the hands of the surveyor of Jack Land District for location upon the unappropriated public domain of Texas;

And whereas by and through the carelessness and neglect of said district surveyor, the said certificates were, without the knowledge and consent of said Patton, located, or attempted to be located, and surveyed upon lands already appropriated, and which locations and surveys were not ratified and confirmed by patents;

And whereas information of the failure of said surveyor to properly locate said certificates, and of the loss consequent thereon, was not brought to the knowledge of said Patton until application was made to the Commissioner of the General Land Office for patents on said locations and surveys, and which knowledge was obtained after said certificates had become invalid by operation of law;

And whereas by reason of the acts and facts above recited, and without any fault of his own, the said J. C. Patton has suffered the loss of the entire value of the said nineteen certificates for land, of three hundred and twenty acres each: Now, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Commissioner of the General Land Office be authorized and required to issue to the said J. C. Patton, or his legal heirs and representatives, nineteen alternate certificates for land, of three hundred and twenty acres each, to be located and surveyed upon any of the public domain of Texas not otherwise appropriated or reserved from location. Said location to be made in accordance with the laws now in force regulating the location of alternate certificates: *Provided*, That if no unappropriated public domain is found upon which to locate said certificates, then and in that event the State is released from any further liability or obligation by reason of the issuance of the same, and this proviso shall be embodied in the face of each certificate issued hereunder: *Provided further*, No certificate shall be issued under the provisions of this act until all of the old certificates mentioned in the preamble of this act are returned to the General Land Office and have been marked across their face, "Cancelled," by the Commissioner.

SEC. 2. This law shall be in force and take effect from and after its passage.

[NOTE.—The foregoing act was presented to the Governor for his approval on the second day of April, A. D. 1887, but was not signed by him or returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. M. MOORE, Secretary of State.]

FOR RELIEF OF HEIRS OF JAMES L. HOLMES.

CHAP. 12.—[H. B. No. 283.] An Act to require the Commissioner of the General Land Office to issue to the heirs of James L. Holmes duplicate bounty warrant for 1920 acres of land.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Commissioner of the General Land Office be and he is hereby required to issue to the heirs of James L. Holmes a duplicate bounty warrant for 1920 acres of land, in lieu of one issued to said Holmes in accordance with law, and which warrant was lost: *Provided*, The State shall not be any further responsible either in land or money on said claims.

SEC. 2. Whereas the near approach of the close of the present session renders it improbable that this bill will pass in the regular order of business, therefore an imperative public necessity and emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act be in force from and after its passage and it is so enacted.

[NOTE.—The foregoing act was presented to the Governor for his approval on the first day of April, A. D. 1887, but was not signed by him or returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. M. MOORE, Secretary of State.]

THE STATE OF TEXAS,
DEPARTMENT OF STATE.

I, J. M. Moore, Secretary of State of the State of Texas, certify that the foregoing special laws, passed at the regular session of the Twentieth Legislature, have been carefully examined and compared with the original enrolled bills now on file in this department, and are true copies of said originals.

I further certify that the Twentieth Legislature convened in the City of Austin January 11, A. D. 1887, and adjourned April 4, A. D. 1887.

In testimony whereof I have subscribed my name, and hereto
[SEAL.] affixed the seal of the State of Texas, in the City of Austin,
April 14, 1887.

J. M. MOORE,
Secretary of State.

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